

**PRIVATE DETECTIVE ADVISORY COMMITTEE
MINUTES
MADISON, WISCONSIN
JANUARY 19, 2000**

PRESENT: James Gilboy, James Krause, Karen Morales, Gary Peterson, John Schatzman, Paul Klumb, Johnny Cash (arrived at 10:58), Edward O'Brien, David Cihlar, and Steven Watson

ABSENT: Robert Hoeg

STAFF PRESENT: Clete Hansen and Becky Fry; Bill Black, Legal Counsel

CALL TO ORDER

The meeting was called to order at 9:32 a.m. by Clete Hansen, upon confirmation that the public notice was timely given.

APPROVAL OF AGENDA

By consensus, the agenda was adopted as published.

MINUTES (9/21/99)

A correction was suggested in the adjournment time from "p.m." to "a.m."

By consensus, the minutes were approved as amended.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Clete Hansen reported that he was not sure if Secretary Cummings would be available to address the Section.

Bureau Director's Report

- **Roster**

Clete Hansen noted the updated roster and asked the Committee to indicate any changes or corrections.

- **Summary of Previous Actions of the Private Detective Advisory Committee and the Private Security Advisory Committee**

Clete Hansen reviewed actions taken by the Private Detective and Private Security Advisory Committees.

Karen Morales indicated that the words “interpretation of data” should be included in the language regarding background checks in relation to accessing public records for the express purpose of reselling the information.

- **Meeting Dates for 2000**

The Committee tentatively set the following meeting dates for the year 2000.

March 15

May 17

July 19

September 13

November 15

John Schatzman questioned and Clete Hansen clarified that these meetings are open to the public.

REVIEW REPORT OF SMALL GROUP MEETING ON NOVEMBER 17, 1999

Clete Hansen informed the Committee that the department is still testing but will very soon have the capability for the public to perform searches on the Internet regarding licensure.

John Schatzman shared information regarding his testimony before the Privacy Task Force on November 29, 1999, relating to “personally identifiable information;” identity theft, what Wisconsin private detectives do, why they need access to this information and why the private detective industry needs an exemption, if there is a closing of doors to public records. Mr. Schatzman informed the Committee that two-thirds of the members of the task force indicated support of the private detective industry needing such an exemption.

Clete Hansen indicated that the department does provide a list of licensees for a fee and many agencies have provided post office box numbers for addresses, rather than actual street addresses, for safety.

James Krause questioned how the existing laws for licensure would prevent someone from unscrupulously trying to steal someone’s identity.

John Schatzman indicated that if a PI does provide inappropriate information to the general public, he is held accountable, but this would not prevent the action from taking place.

Paul Klumb questioned how a librarian would be affected by certain exemptions.

John Schatzman indicated they would be exempt because they do not provide the list of information for personal gain and the information is not personally identifiable.

Bill Black explained the impact of statutes and rules on this issue. Partly, a policy decision can be made regarding whether certain actions violate current statutes and rules. On the other hand, we could expand the policy by changing the rules. It is possible that a statutory change is needed.

Bill Black recommended the Committee consider that if the goal of rewriting some of the privacy laws and restricting the classes of persons that can access them is consumer protection one of the other benefits of allowing private detectives to continue in their traditional regulated roles, via exemption, is that an automatic enforcement mechanism is already in place with the department to go after people who obtain information without being licensed, or “unlicensed practice.”

MOTION: John Schatzman moved, seconded by James Gilboy, to request that Secretary Marlene Cummings draft a letter to the Privacy Task Force, requesting their support in the consideration of exemption for licensed private detectives, in any legislation they develop regarding access to personally identifiable information. Motion carried unanimously.

The Committee discussed the issue of people who obtain, for financial gain, and redistribute personally identifiable information, being required to obtain a private detective license.

Paul Klumb suggested a distinction between primary and secondary sources, in relation to obtaining personally identifiable information.

Bill Black drew a distinction between a scrivener (copier) and someone that takes information and analyzes it for transmittal to a third person. He further stated that the key to licensing is that a person is “analyzing” the personally identifiable information.

MOTION: John Schatzman moved, seconded by James Gilboy, that the intent of the Committee is to protect the public in the dissemination of personally identifiable information for resale by unlicensed individuals and to continue to monitor the status of this practice. Motion carried unanimously.

David Cihlar addressed the issue of the dumpster diving law and the necessity of shredding personally identifiable information.

David Cihlar raised some questions in relation to the licensure of independent insurance adjusters. The Committee acknowledged that it had made recommendations on this issue

at an earlier meeting and that Secretary Cummings has expressed reservations about the Committees recommendations.

OLD BUSINESS

Local Gun Control and Executive Protection

Clete Hansen referred to a December 10, 1999, newspaper article from the Milwaukee Journal Sentinel where Norquist blasts the concealed weapons proposal and the bill draft that Senator Dave Zein has been working on relating to concealed weapons.

Clete Hansen suggested that the Committee give more attention to using some of the criteria in the proposed bill to train and license executive protection people who do personal protection.

John Schatzman stated that he has received calls from companies in the personal protection industry. He stated concealed carry is a hot topic and personal protection people need the right to have this available to level the playing field with off-duty law enforcement officers.

The Committee discussed firearms training and requirements and proper training for concealed weapons carry for executive protection.

This issue was tabled for discussion at the next meeting.

REVISION OF ADMINISTRATIVE RULES

Clete Hansen referred to his November 24, 1999, memo to Secretary Cummings regarding proposed rule changes. He indicated that Secretary Cummings concurred with the recommendations for issues to be addressed in rule making. Mr. Hansen informed the Committee that he included a provision of the private detective committee relating to another exemption for having a written contract when contracting with an insurance company.

The Committee indicated agreement with the information included in the memo.

Clete Hansen distributed a rule draft and indicated a number of changes in relation to certified firearms instructors. He informed the Committee that the Wisconsin Department of Justice is tightening up their criteria and as of next year will be removing from their list of approved firearms instructors in the rule proposal anyone who does not provide firearms training to law enforcement officers. Language has been crafted so as not to shut out people who are approved by DOJ but do not instruct law enforcement officers and will be removed from DOJ's approved firearms instructor list. This language will provide for these people to get instruction from firearms instructors who are approved by DOJ.

Clete Hansen asked the Committee to review the rule draft and to pass a motion at the next meeting, indicating support or opposition to the proposed rule draft.

SCHEDULE NEXT MEETING

The next meeting is scheduled for March 15, 2000 at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:45 a.m.